

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL ACTION NO. 2:10-cv-1087

\$88,029.08, MORE OR LESS,
IN UNITED STATES CURRENCY,

Defendant.

(Katherine Anne Hoover, M.D. and
John F. Tomasic;
No pending federal criminal charges)

UNITED STATES SUPPLEMENTAL RESPONSE TO
"MOTION TO COMPEL AUSA PULLIN TO SUBMIT FORM SF 3881
TO UNITED STATES MARSHAL TO RETURN \$27,671.50
AS ORDERED AND TO FILE SANCTIONS AGAINST AUSA PULLIN"

Comes now the United States of America, by counsel, Betty A. Pullin, Assistant United States Attorney for the Southern District of West Virginia, and supplements its response filed this same date (Doc. 114), to claimants' motions to compel and to file sanctions (Doc. 113), as follows:

1. The undersigned has not refused to return the \$27,671.50 to the claimants. To the contrary, the undersigned sent a letter to Dr. Hoover with the Form SF 3881 for her to have completed and returned to the undersigned as soon as possible. A copy of this letter was filed with the Clerk of the Court on the same day it was sent to Dr. Hoover, that is, on August 18, 2011. (Doc. 99).

2. On September 1, 2011, the United States filed a motion for sanctions against Dr. Hoover for failing to appear at her Court-ordered deposition and supporting memorandum of law (Doc. 104, 105). The United States has asked to recover its costs that were incurred and for sanctions against Dr. Hoover, and for any costs awarded and sanctions imposed to be offset against the \$27,671.50 that is to be returned to the claimants. (Doc. 104, p. 9, paragraphs C and H; Doc. 105, pp. 12-13, paragraphs C and H, and unnumbered paragraph following J).

3. On Tuesday, September 6, 2011, the United States received the completed Form SF 3881 from Dr. Hoover. Subsequent to the government's receipt of the completed Form from Dr. Hoover, the United States Marshals Service in Charleston informed the undersigned that once the Form SF 3881 is submitted to its headquarters office, there is generally a two-day turn-around for that office to then direct the Charleston office to electronically transfer the funds. Accordingly, since the United States had previously asked the Court, in its motion for sanctions, to offset any award of costs and sanctions against the \$27,671.50, and further since it appeared that those funds might no longer be available to the Court if the Form SF 3881 was transmitted to the United States Marshals Service Headquarters office and processed,

the United States filed a motion for a brief delay in transmitting the form.

4. The United States motion seeking a brief delay in transmitting the form to the United States Marshals Service Headquarters is simply for the purpose of preserving those funds for the availability of the Court in the event the United States motion for sanctions and costs is granted in whole or in part.

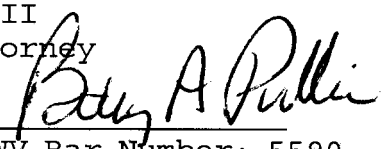
5. Sanctions against the government are not appropriate in this instance.

WHEREFORE, for the foregoing reasons, the United States respectfully requests that the claimants motions to compel and for sanctions (Doc. 113) be denied.

Respectfully submitted,

UNITED STATES OF AMERICA
By Counsel

R. BOOTH GOODWIN II
United States Attorney

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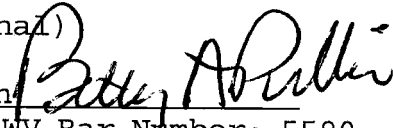
Defendant.

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CERTIFICATE OF SERVICE

I hereby certify that the "UNITED STATES SUPPLEMENTAL RESPONSE
TO 'MOTION TO COMPEL AUSA PULLIN TO SUBMIT FORM SF 3881 TO UNITED
STATES MARSHAL TO RETURN \$27,671.50 AS ORDERED AND TO FILE
SANCTIONS AGAINST AUSA PULLIN'" was electronically filed with the
Court and served on the following this 26th day of September, 2011:

Katherine Anne Hoover, M.D. and
John F. Tomasic
c/o Norman Gay, M.D.
247 West Bay Street
Nassau, N.P. Bahamas
(via Federal Express International)

By: s/Betty A. Pullin 
Betty A. Pullin, WV Bar Number: 5590
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